

ORDINANCE NO. ____

AN ORDINANCE CREATING AND ENACTING SECTION 60.148, AND AMENDING AND REENACTING SECTION 60.142 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE IMPOSITION AND ENFORCEMENT OF CONDITIONS OF APPROVAL UPON DEVELOPMENT APPROVALS, PERMITS, AND CERTIFICATES.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 60.148 of the Rochester Code of Ordinances is hereby created and enacted so as to read as follows:

60.148. Subdivision 1. In considering an application for a zoning certificate, development permit, or other form of land use approval, the zoning administrator or the approving legislative body may impose such conditions upon the approval of that application as the issuing authority deems necessary to ensure compliance with the applicable review criteria or standards. The zoning administrator or the approving legislative body may revoke an approved zoning certificate, development permit, or other land use approval upon the failure to comply with all applicable conditions of approval. The revocation shall occur consistent with the notice of violation provisions of sections 60.130 – 60.136. It shall not be necessary for the City to initiate criminal action or seek revocation of any permit prior to seeking injunctive relief from the District Court.

Subd. 2. This section is inapplicable to an application for a land use amendment or a zoning district amendment.

Section 2. Section 60.142 of the Rochester Code of Ordinances is hereby amended and reenacted to read as follows:

60.142. Compliance Required. It shall be the responsibility of all property owners, architects, contractors, subcontractors, builders and other persons involved in any development, before beginning any development activity, to contact the zoning administrator to determine what approvals will be required, ~~and to obtain any necessary permits or certificates, and to comply with any conditions of approval imposed upon those permits or certificates.~~ Individuals or firms doing or performing any work on behalf of the property owner are subject to any and all charges and sanctions applicable to doing work in violation of the provisions of this ordinance. This includes performing work prior to the issuance of the necessary permits or certificates, and for performing such work in violation of the conditions ~~and standards~~ set forth in the permit or certificate. ~~The zoning administrator may revoke an approved permit for non-compliance with standards and conditions. The City of Rochester may seek an injunction from the District Court to gain compliance with the provisions of this ordinance. It shall not be necessary for the City to initiate criminal action or seek revocation of any permit prior to seeking injunctive relief from the District Court.~~

Section 3. This ordinance shall become effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2015.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2015.

MAYOR

(Seal of the City of
Rochester, Minnesota)